
Appeal Decision

Site visit made on 18 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st August 2017

Appeal Ref: APP/T5150/W/17/3172934
32 Crownhill Road, London NW10 4EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Milford Projects against the Council of the London Borough of Brent.
 - The application Ref 16/3466, is dated 5 August 2016.
 - The development proposed is demolition of existing lock-up garages and construction of four two-storey terraced houses.
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Decision

1. The appeal is dismissed and planning permission for the demolition of existing lock up garages and construction of four two storey terraced houses at 32 Crownhill Road, London NW10 4EA is refused.

Procedural matter

2. In its statement the Council makes reference¹ to the effect of the proposed development on properties on *Cullingworth Road*. For the purposes of my decision, I have assumed this to be an error and consider that it should refer to Crownhill Road. I note that the appellant also assumes that the same error has been made.
3. I have not been provided with any formal minute which relates to a Council decision as to what its decision would have been had it determined the application. I have therefore taken the Council's position on the appeal to be that set out in its appeal statement of 29 June 2017. I note from that statement² that the Council officer's recommendation was to refuse the application.

Main Issues

4. Having regard to the concerns set out in the Council's statement, I consider that the main issues are the effect of the proposed development on:
 - The character and appearance of the area
 - The living conditions of future occupiers of the proposed dwellings with regard to outdoor amenity space, outlook and daylight

¹ Council Statement 29 June 2017 paragraph 2.14

² Council Statement 29 June 2017 paragraphs 1.2 & 3.1

- The living conditions of the occupiers of neighbouring properties on St Johns Avenue and Crownhill Road with regard to visual impact, light, outlook, and privacy.

Reasons

Character and appearance

5. The appeal site is a former builder's yard which lies behind residential terraced properties on Crownhill Road. The surrounding area is mainly residential although there is a large school on the opposite side of Crownhill Road. The appeal site lies just outside Harlesden town centre.
6. The appeal site is L shaped, with an entrance alongside 32 Crownhill Road. This entrance widens out into the main part of the yard which contains a group of lock up garages and areas of hardstanding. The site is bounded tightly by the rear gardens and yards of the surrounding terraced housing and by a former industrial building, Fabline, which has been converted to residential use and is accessed from St Johns Avenue.
7. The proposed development involves the demolition of the garages and the erection of four, two bedroomed houses which would face out across a small amenity area to the backs of the properties on Crownhill Road. The houses would sit in a terraced block with the houses at each end set down below ground level such that their ground floors would be lower than the level of the site. The proposed development would not have any vehicular access or car parking provision on site but the Council has indicated that this would be an acceptable position subject to the imposition of an appropriate condition.
8. The proposed development has attempted to respond to the constraints of the site but as a consequence its design would not respect the character or setting of the Victorian terraces of the surrounding area. The unbalanced roof lines of the Houses 1 and 4, which would also contrast in style with the roofs of the central properties, together with the part sunken nature of their front elevations would present poor legibility and a jarring appearance. This would be at odds with the general rhythm of the elevations of the surrounding terraces.
9. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area, contrary to Policy 3.5B of The London Plan 2016 which requires good design in new housing developments, and Policy DMP 1 of the London Borough of Brent Development Management Policies Development Plan Document 2016 (the DPD) which requires development to be of appropriate siting, scale, layout and design amongst other considerations. It would also be contrary to Policy CP17 of the London Borough of Brent Local Development Framework Core Strategy 2010 which seeks to avoid out of scale buildings in infill plots.

Living conditions of future occupiers

10. Each of the four houses would have a small patio area to its rear. Each of these would be around 8 square metres (sqm) which is significantly below the amount of external amenity space required by Policy DMP19 of the DPD which sets out residential amenity space standards. This is a small space which would be insufficient for the kinds of activities which would normally be

expected to be undertaken in private amenity areas such as sitting outside or drying clothes.

11. In addition to defining a minimum quantity, the supporting text to the policy also requires such space to be accessible from a main living room without level changes and located to take maximum advantage of sunlight and daylight. In the proposed development the patio to Houses 1 and 4 would be below ground level and to the north of the building and so would be unlikely to take maximum advantage of sunlight and daylight.
12. The communal amenity space in front of the houses could help to address the deficit in the private amenity spaces behind each property and I note the appellant's comments that this arrangement is part of the design as a result of the less than standard provision at the rear. However, this space would not be private, would be significantly overlooked by the proposed houses, despite landscaping, and part of it would be lost to amenity use as a result of the pedestrian circulation space which would be needed to access each property and the proposed secondary pedestrian access link to Burns Road. Residents and visitors to the properties would be likely to be walking through and across this amenity space. This area is therefore not a substitute for the lack of external private amenity space of sufficient quantity and quality at the rear of the properties. Consequently I consider that neither the patio areas or the communal amenity area would provide sufficient useable external amenity space for the occupiers of the proposed houses, in accordance with the requirements of Policy DMP 19.
13. The outlook from the rear windows of the lower floors of the houses would be across the small patios to the boundary wall. The wall would dominate that outlook and lead an unacceptable sense of enclosure from within those rooms. In the case of House 1 and House 4 outlook would be further restricted since the levels of those rooms in those properties would be below that of the site. The distance to the boundary wall from the windows of all four houses would be around 1.46m. In its statement, the Council considers that taking account of the guidance in the Design Guide for New Development Supplementary Planning Guidance SPG 17, 2001, (the SPG), the minimum distance between the rear window and the boundary wall should be 5m. Although the SPG is elderly, I consider that the minimum distances it sets out in this regard should be afforded considerable weight.
14. Notwithstanding that the lower floor level rooms are dual aspect, the front windows of the House 1 and House 4 would present a significantly poor outlook given their position in relation to ground levels and the proposed metal railings in front of them.
15. Although not indicated on the submitted plans, the appellant's statement makes reference to the rear bedroom windows of the each of the four proposed houses being obscurely glazed up to their opening part, in the interests of privacy. These are the only windows to the rear bedrooms and as a consequence I consider that this would lead to a poor outlook for the occupiers of the properties.
16. I note that the appellant has suggested that these windows could be clear glazed if I was concerned about the effect of obscured glazing. However, if they were clear glazed, they would enable direct overlooking at close quarters, of the rear garden of 1A and 1B St John's Avenue.

17. Overall I conclude that the proposed development would be harmful to the living conditions of future occupiers having regard to outlook and daylight related to the rear windows, and the levels and nature of proposed external amenity space, contrary to Policies DMP 1 and DMP 19 of the DPD and the guidance set out in the SPG.

Living conditions of the occupiers of neighbouring properties

18. The front windows of the properties would face out to the rear gardens and properties of Crownhill Road which have non-obscurely glazed windows facing the site. From my site visit I could see that the rear windows on numbers 30 and 32 Crownhill Road appeared to serve habitable rooms. The Council's statement refers to this distance as around 13m, which is significantly less than the 20m minimum separation distance between habitable rooms required by section 3.3. of the SPG. The relationship between these windows is not offset by angles and boundary treatment would not fully mitigate the potential for overlooking and loss of privacy. Whilst the site has been used as a builders yard and would have had people working on it at certain times of the day, I consider that the introduction of habitable rooms at the distance proposed without any angle to offset direct views, would lead to an unacceptable reduction in privacy which the occupiers of 30 and 32 Crownhill Road could reasonably expect to enjoy.
19. The Fabline building has a window on the elevation facing down the accessway of the site towards Crownhill Road which is required to be obscurely glazed as a condition of the planning approval in the interests of protecting the amenity of neighbouring residents. There are also two windows at second storey level on the elevation overlooking the existing garages. These two windows are non-obscurely glazed and were both open at the time of my visit. In its statement the Council has provided evidence that the planning consent for the conversion of the property does not require the windows on that elevation to be obscurely glazed.
20. The height of proposed House 4 is lower than the central houses and the roof angled away from the Fabline building with the intention of not having a detrimental impact on outlook or light affecting the occupiers of the Fabline building. It seems to me that although the proposed houses would be prominent in outlook from those windows and may have some impact upon light levels into the rooms they serve, I do not consider that this would be likely to be to an unacceptable degree given the roof level and design of House 4.
21. The proposed houses would sit very close and in a generally southern direction to the boundary with the rear garden of 1A and 1B St John's Avenue. The existing garages would not be likely to have a detrimental impact on sunlight into the rear garden because of their height, but the proposed houses would be significantly higher than the garages and would rise to around 6.1m at the highest section. House 4 is lower given that it is sunk into the ground but the two central houses would adjoin a significant length of the boundary with the rear garden of 1A and 1B St John's Avenue. Given that the proposed houses would sit around 1.46m from the boundary, I consider that this would appear overbearing and dominant to those using the rear garden of 1A and 1B St John's Avenue. Although the garden of 1A and 1B St John's Road may be wider than those of other houses along the road, the proposed development would

also be likely to lead to an unacceptable impact on sunlight into the rear garden as a result of overshadowing.

22. 1A and 1B St John's Avenue are angled slightly away from the boundary of the site and therefore I do not consider that there would be an unacceptably harmful impact on outlook from the rear windows of those properties. On the evidence before me I consider that it is unlikely that the proposed development would lead to an unacceptably harmful impact on light levels within those properties.
23. The accessway of the proposed development would not be used for vehicles, but only by pedestrians or cyclists to access the four proposed houses. Since this is unlikely to result in significantly additional privacy issues, noise or disturbance compared to the existing use for an access to the builders yard, I consider that the proposed development would not have an unacceptably harmful impact on the living conditions of the occupiers of 32 Crownhill Gardens in this regard.
24. I conclude that for the reasons set out above the proposed development would have a harmful effect on the living conditions of the neighbouring occupiers of Crownhill Road as a result of a loss of privacy, and those of St Johns Road as a result of a loss of outlook and sunlight affecting the enjoyment of the rear garden. This would be contrary to Policy DMP 1 of the DPD.

Conclusion

25. The development would provide a re-use of a redundant brownfield site in a sustainable location. However, these benefits would be outweighed by the significant harm which I have found would occur to the character and appearance of the area, and the living conditions of future occupiers of the proposed houses and occupiers of neighbouring properties on Crownhill Road and St John's Avenue by virtue of overlooking, loss of privacy, visual impact, loss of sunlight, and inadequate provision of external amenity space.
26. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR